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"PATENT"

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Before the Examiner
Stanley James Cartwright	)	Matthew Thexton
U. S. Serial No. 10/666,356	)	
Filed: September 19, 2003	)	Confirmation Number: 8184
LONG LIFE LUBRICATING OIL	)	Group Art Unit: 1714
COMPOSITION WITH VERY LOW	)	
PHOSPHORUS CONTENT	)	Family Number: P2002J093 US2

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

AMENDMENTSpecification

The amendments to the abstract were drafted to answer the Examiner's objection and it now reflects the claimed disclosure as requested by the Examiner.

## 35 USC §102(b)/103(a)

Claims 1-10 were rejected under 35 USC 102(b) as being unpatentable under U.S. Patent No 5,74,430 ("Inoue"). The Examiner argues that Inoue, "discloses mixtures comprising lubricating oil plus overbased calcium salicylate plus calcium sulfonate plus ZDTP plus phenol plus zinc dipentylthiocarbamate (example 8) in proportions that appear to be encompassed by Applicant's claims." For a reference to be a 102 rejection, it must disclose each and every claimed limitation. This rejection fails because Inoue does not disclose the limitation of using both neutral and overbased detergents. Inoue only discloses mixtures of overbased detergents.

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the  
Commissioner for Patents facsimile number 1-571-273-8300 on the date shown below.

Susan Fleming

Print name of person signing certification

Susan Fleming

Signature

September 11, 2006

Date



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In addition, Inoue states that the component (c) (ZDDP) must be present in an amount sufficient to yield 0.04% to 0.10% of (elemental) phosphorus in the engine oil composition. ZDDP components typically contain 7 - 8 wt% phosphorus; using the 7.2 wt% phosphorus quoted for the ZDDP in all of Inoue's Examples, applicant's maximum ZDDP treat of 0.15% would yield 0.011% phosphorus. This is significantly, below the minimum phosphorus level of 0.04% phosphorus claimed by Inoue as necessary for maintaining good fuel consumption as the engine oil condition deteriorates. The 0.04% phosphorus minimum in Inoue's claims would translate to about 0.55% ZDDP, using Inoue's 7.2% phosphorus content value for the ZDDP in his examples. Most likely, the examiner confused Inoue's 0.04 - 0.10% phosphorus for 0.04 - 0.10% ZDDP, and hence objected to applicant's claim of 0.0 - 0.15% ZDDP. Accordingly, the rejection should be removed since the reference fails to disclose the claimed ranges and further teaches way from using the claimed ranges.

### 35 USC §103(a)

Regarding Abraham, Both Applicants and Examiner agree that Abraham does not disclose a combination of neutral and overbased detergents.

Regarding Cartwright, Applicants would like to disqualify the reference under 35 U.S.C. § 103(c) since both the Cartwright patent and the present claimed invention were commonly owned at the time of invention. Accordingly under MPEP 706.02(1)(2) applicants hereby make a statement of record that both the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

Examiner is now requested to remove the rejection since the reference has been disqualified. In addition, it would not have been obvious to one of ordinary skill in the art at the time of the invention to pick and choose the various disclosures in the cited prior art without the motivation to obtain a lubricating oil having long life as evidenced in viscosity increase, oxidation and nitration when used in a gas engine. This motivation is found in Applicant's disclosure and not in the cited prior art.

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Conclusion

Applicants have addressed all the rejections in the amendments, arguments, and statement of common ownership in this response. Accordingly, applicants respectfully request the Examiner allow the application.

Respectfully submitted,



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☒ Pursuant to 37 CFR 1.34(a)

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